

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARNELL EDWARD LEMONS,

No. C 13-02110 DMR (PR)

Plaintiff,

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

v.

D. LEWIS, et al.,

Defendants.

This action was opened on May 8, 2013, when the Court received from Inmate Darnell Edward Lemons a letter that concerned prison conditions at Pelican Bay State Prison ("PBSP").

On the same date, the Clerk of the Court notified Plaintiff in writing that his action was deficient in that he had not submitted his complaint on the proper complaint form and had not submitted an *in forma pauperis* ("IFP") application. The Clerk further notified him that this action would be dismissed if he did not submit a complaint on the proper form and a completed IFP application within twenty-eight days.

On May 10, 2013, the Clerk notified Plaintiff in writing that this matter had been assigned to the undersigned Magistrate Judge.

On May 22, 2013, Plaintiff consented to magistrate judge jurisdiction in this matter. However, he did not submit a complaint on the proper form. Nor did he file a completed IFP application.

On June 20, 2013, the Clerk sent another notice informing Plaintiff that this action would be dismissed if he did not submit a complaint on the proper form and a completed IFP application within twenty-eight days.

On July 11, 2013, Plaintiff submitted his *pro se* prisoner complaint under 42 U.S.C. § 1983 on the proper form. Plaintiff also filed a completed IFP application form; however, his certificate of funds was not signed by an authorized PBSP officer and he did not file a copy of his prisoner trust account statement.

1 On August 14, 2013, the Clerk notified Plaintiff that his IFP application was deficient due to  
2 his failure to include the necessary documents in support of his application. The Clerk further  
3 informed Plaintiff that his action could not go forward until he filed the necessary documents within  
4 twenty-eight days, and that his failure to do so would result in dismissal of this action.

5 More than twenty-eight days have passed and Plaintiff has not submitted his certificate of  
6 funds or his prisoner trust account statement.

7 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. Plaintiff's IFP  
8 application (Docket No. 9) is DENIED as incomplete. The Clerk of the Court shall enter judgment,  
9 terminate all pending motions, and close the file.

10 IT IS SO ORDERED.

11 Dated: October 17, 2013



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13 DONNA M. RYU  
14 United States Magistrate Judge  
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